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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,038	07/23/2001	Masayuki Fujita	1581/00258	9637

7390

05/06/2003

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EXAMINER

MCCLENDON, SANZA L

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,038

Examiner

Sanza L. McClendon

Applicant(s)

FUJITA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-79 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on February 13, 2003, the examiner has carefully considered the amendments. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claim 21 has been overcome by the amendment and has hereby been withdrawn for consideration.
2. The translations of the foreign applications have been received.

Response to Arguments

3. Applicant's arguments with respect to claims 1-79 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al (EP 0 532 049 A1).

Fujita et al teaches curable compositions comprising (A) an organic polymer having a group containing silicon atom bonded to a hydroxyl group and/or a hydrolysable group and capable of crosslinking by forming a siloxane bond (B) a photocurable compound and (C) a hindered amine series light stabilizer, wherein said photocurable compound anticipates (B) of applicant's claim 1. Said organic polymer comprising said silicon atom with bonded hydroxyl and/or hydrolysable groups which are represented by formula (i) can be found on page 2, lines 40-50, wherein this formula anticipates the formula (1) of applicant's polymer (A1). Said organic polymer can be have a main chain such as an polyacrylic ester obtained by radical polymerization of acrylic and/or methacrylic monomers—see page 3, lines 57 or page 4, line 1. Therefore, it is deemed that Fujita et al teaches a vinyl (i.e., acrylic or

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/methacrylic) polymer with a reactive silicon groups at the terminal or as a component (inside the main chain) of the polymer, which anticipates claims 3-4. Per examples 4 to 6, Fujita et al teaches that said polymer (A) could have a molecular weight distribution of 1.3. This appears to anticipate claim 2.

Allowable Subject Matter

6. Claims 5-6 and 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach vinyl polymers having at least on crosslinkable silyl group of the general formula found in claim 1 by the techniques found in claims 5-6 and 8-9 used in compositions such as those found in claim 1.

8. Claims 11-79 are allowed.

9. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a curable composition comprising a vinyl polymer having at least on crosslinkable silyl group having the general formula (1) of claim 11 with an air-oxidation-curable substance. The prior art fails to teach curable composition comprising a vinyl polymer having at least one-crosslinkable functional groups on the average per molecule with a high molecular weight plasticizer having a number average molecular weight of 500 and over. The prior art, additionally, fails to teach and/or fairly suggest a curable composition comprising a vinyl polymer having at least on crosslinkable silyl group having the general formula (1) of claim 46 with a reactive plasticizer having not more than one crosslinkable silyl group of the general formula (1) on the average per molecule. The prior art fails to teach a curable composition comprising a vinyl polymer having at least on crosslinkable silyl group having the general formula (1) of claim 64, wherein said main vinyl chain is obtained by a living polymerization technique with (F) a compound (I) having one silanol group per molecule and/or a compound (II) capable of reacting with moisture to give a compound having one silanol per molecule.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 13, 2003 prompted the new ground(s) of rejection presented in

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this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

Sanza L McClendon
Examiner
Art Unit 1711

SMc
May 5, 2003



NATHAN M. NUTTER
PRIMARY EXAMINER
GROUP 1711